



LAND USE HEARING EXAMINER

Lee Raaen
Hearing Examiner

CITY OF KENT

In the Matter of the Application of)	No.	SU-2013-4
)		KIVA#RPP3-2133638
)		
)		
Jamie Waltier, on behalf of)		
Harbour Homes, LLC)	Bandon East Subdivision	
)		
)		
For Approval of a Preliminary Plat)	FINDINGS, CONCLUSIONS,	
)	AND DECISION	

SUMMARY OF DECISION

The request for a preliminary plat to subdivide 4.23 acres (three parcels) into 30 single-family residential lots, with an associated recreation and two landscape tracts, and three private joint use driveway tracks located at 24459 98th Avenue South, is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposed development.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on April 2, 2014.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Sharon Clamp, City Planner
Maher Joudi, P.E., Applicant Representative
Michael Thompson
Andy Houle

Exhibits:

1. Staff Report, dated March 26, 2014
2. Distribution of Agenda and Staff Report, dated March 26, 2014, with email delivery confirmations

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3. Notice of Public Hearing with: Affidavit of Posting, dated March 21, 2014; Declaration of Service, dated March 21, 2014; Distribution Sheet, distribution list, 300' radius list
4. Notice of Public Hearing ad with email confirmation from *Kent Reporter* for publication on March 21, 2014, dated March 18, 2014
5. Mitigated Determination of Nonsignificance, dated February 14, 2014, with Certificate of Posting, dated February 13, 2014
6. Environmental Review Report – Decision Document, dated February 14, 2014
7. MDNS-SEPA Threshold Determination Public Notice ad and *Kent Reporter* email verification of receipt, dated February 14, 2014
8. MDNS-Distribution, with Declaration of Delivery, dated February 14, 2014
9. Comment Letter from Ann Eggers, dated November 8, 2013
10. Notice of Application and Affidavit of Posting, dated October 25, 2013, with Distribution Sheet and Notice to Applicant of Other Agencies with Project Jurisdiction
11. Notice of Application publication ad, dated October 25, 2013, and *Kent Reporter* email verification receipt, dated October 22, 2013
12. Environmental Checklist Application, dated December 27, 2013, with reduced maps
13. Long Subdivision Preliminary Plat Application, received October 14, 2013, with reduced maps
14. Site Plan Maps, revised February 19, 2014
 - a. Preliminary Subdivision Plat (C1, Sheet 1 of 6)
 - b. Conceptual Utility Plan (C2, Sheet 2 of 6)
 - c. Road Cross Sections and Details (C3, Sheet 3 of 6)
 - d. Tree Retention Plan (T1, Sheet 4 of 6)
 - e. Tree Retention Plan (T2, Sheet 5 of 6)
 - f. Tree Table (T3, Sheet 6 of 6)
15. Aerial photo of vicinity, undated

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

1. Jamie Waltier, on behalf Harbour Homes, LLC (Applicant), requests a preliminary plat to subdivide three parcels totaling 4.23 acres into 30 single-family residential lots and five tracts. The property is located at 24459 98th Avenue South.¹ *Exhibit 1, Staff Report, page 1; Exhibit 13; Exhibit 14.*
2. The City of Kent (City) determined the application was complete on October 14, 2013. The City issued a Notice of Application (NOA), published notice in the *Kent Reporter*, and posted notice on site on October 25, 2013. *Exhibit*

¹ The parcel is identified by King County tax parcel numbers 1922059027, 1922059415, and 1922059416. A legal description of the property is found within the proposed preliminary plat map. *Exhibit 1, Staff Report, page 2; Exhibit 14.a.*

10; *Exhibit 11*. On March 21, 2014, the City emailed or mailed notice of the hearing to the Applicant, to interested parties of record, to consulted departments and agencies, and to all persons owning property within 300 feet of the site, and published notice of the hearing in the *Kent Reporter*. *Exhibit 1, Staff Report, page 5; Exhibit 3; Exhibit 4*.

3. The City acted as lead agency and analyzed the environmental impact of the proposal, as required by the State Environmental Policy Act (SEPA), chapter 43.21C RCW. The City reviewed the Applicant's Environmental Checklist and other information on file. The City determined that with three conditions, the proposal would not have a probable significant adverse impact on the environment, and issued a Mitigated Determination of Nonsignificance (DNS) on February 14, 2014. The three conditions concern sizing and minimizing disturbance to existing trees and topography from construction of the off-site stormwater facility, and construction of a sidewalk to the sidewalk/asphalt walkway system serving East Hill Elementary School, or at the discretion of the City, pay a regional sidewalk improvement mitigation fee. The City mailed and emailed notice of the MDNS to the Applicant, to interested parties of record, to consulted departments and agencies, and published in the *Kent Reporter* on February 14. The MDNS was not appealed. *Exhibit 1, Staff Report, pages 3 and 10; Exhibit 5; Exhibit 7; Exhibit 8; Exhibit 12*.
4. The property is designated SF-8 Single-Family Residential, 8 units per acre, by the City Comprehensive Plan Land Use Map. Comprehensive Plan goals and policies are relevant to the proposal. Land Use Element goals and policies establish urban densities of at least four units per developable acre and seek to locate housing opportunities within close proximity to employment, shopping, transit, and services. They also seek to provide a variety of housing types, options, and densities throughout the city; and allow single-family housing on a variety of lot sizes. Housing Element goals and policies promote the organization and enhancement of neighborhoods, and provide the opportunity for comfortable and well-maintained housing; provide for neighborhoods with an appropriate mix of housing styles and choices; provide a fair share of on-site and off-site improvements; provide increased housing opportunities through a diversity of housing types and innovative site and building design; provide for sufficient amount of land zoned for current and projected residential needs; promote diversity of affordable housing types; and encourage flexibility and innovative site and building design. Transportation Element goals and policies call for land use and transportation planning coordination, and coordination of new commercial and residential development with transportation projects to ensure accommodation of new development.² *Exhibit 1, Staff Report, pages 3, 6 to 8*.

² City staff identified Comprehensive Plan Land Use Element Policies LU-9.1, 9.2; Goal LU-10, Policy

5. The proposed subdivision is located within the SR-8, Single Family Residential zoning district. The purpose of the single-family residential districts is to stabilize and preserve single-family residential neighborhoods, as designated in the Comprehensive Plan. It is further the purpose to provide a range of densities and minimum lot sizes in order to promote diversity and recognize a variety of residential environments. *Kent City Code (KCC) 15.03.010*. One single-family dwelling per lot is allowed within the SR-8 zoning district. *KCC 15.04.020*.
6. The property is currently developed with a single family residence and outbuilding, which would be removed. The property contains deciduous and evergreen trees, grass and pasture. The steepest slope on site is approximately 20 percent in the western portion of the property. No critical areas were identified on either the proposed subdivision property or stormwater facility site. 96th Avenue South is located to the west of the proposed subdivision property, while 98th Avenue South is located to the east. *Exhibit 1, Staff Report, pages 1, 3 and 4; Exhibit 6; Exhibit 14.a*.
7. Property surrounding the subject property in all directions is designated and zoned SF-8. Subdivisions are located to the north, east and south, and vacant land and individual residential lots are located to the west. *Exhibit 1, Staff Report, page 3; Exhibit 14.a*.
8. The proposed lots would have primary access from 98th Avenue South, and secondary access from 96th Avenue South via a new public street, South 245th Place. The development would add an estimated 300 daily trips and 30 PM peak-hour trips to the public street system. Per City of Kent Ordinance 3992, this development would pay Traffic Impact Fees to mitigate for the increased trips. The proposed project would also construct road frontage improvements along 98th Avenue South and 96th Avenue South in accordance with the requirements in the Kent Design and Construction Standards. *Exhibit 1, Staff Report, pages 4 and 12; Exhibit 6; Exhibit 14.a*.
9. Sidewalks would be constructed along both sides of the new public subdivision street and along the property frontages on 96th and 98th Avenues South. The Applicant, as one of the SEPA conditions, would construct a six-foot wide asphalt walkway from the north end of the new sidewalk constructed along 98th Avenue South to the existing sidewalk approximately 100 feet to the north. The minimum lot size in the SF-8 zone is 3,000 square feet and minimum lot width is 30 feet. The proposed lots would range from 3,581 to 6,055 square feet and exceed 30 feet in width. As depicted on the

LU-10.4; Housing Element Goal H-2, Policy H-2.3 and 2.5; Goal H-5, Policy H-5.1, 5.2, 5.3, Goal H-7; and Transportation Goal TR-1, Policy TR-1.6. *Exhibit 1, Staff Report, page 8*.

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proposed preliminary subdivision plat map, lots would contain 10-foot front yard setbacks, 20-foot garage setbacks, 10-foot rear setbacks, and 10-foot street yard setbacks. At least 50% of the lots, Lots 1-2, 8-10, 14, 16-18, 20-23, and 26-29, would provide a combined side yard setback of 16 feet with a minimum setback on one side of 5 feet. *Exhibit 1, Staff Report, pages 4 and 12; Exhibit 14.a.*

10. City code requires that building lots and roadway access be configured to support home construction with diminished garage doors, so no less than 50 percent of the new lots would support construction of a garage in the rear portion of the lot accessed through a common driveway between lots, a side access garage, a garage accessed through a rear alley, a garage setback no less than 10 feet from the home's front façade, or other design strategies. At least two of these options must be supported in each new development. Tracts B, C, and E would be joint use driveways. As proposed, the subdivision would support diminished garage doors on Lots 1, 4-7, 10-12, 15-16, 19-20, and 23-26 would support a diminished garage design. Lots 4-7, 10-12, 19-20, and 23-26 would have their living space forward. Lots 1 and 15-16 would provide rear loading. *Exhibit 1, Staff Report, page 12; Exhibit 14.a.*
11. Landscape buffering is required in single-family residential zoning districts along all frontage streets of a subdivision that do not provide the new lots with direct vehicular access. Two 10-foot landscape tracts (Tracts A and F) would provide buffering along 98th Avenue South. *Exhibit 1, Staff Report, page 12; Exhibit 14.a.*
12. The proposed subdivision would be connected to the City public water system and the City public sanitary sewer system. Power and natural gas lines would be installed during plat construction. Garbage service would be established by individual residents. The property is located within the Kent School District, and pursuant to KCC 12.13.160, the City would assess and collect a school impact fee for each individual lot at the time of building permit issuance based upon the adopted impact fee at that time. The Kent School District did not provide information on adjacent schools. Mass transit service is provided by King County METRO. The nearest bus stop is located at 98th Avenue South and SE 246th Place, approximately .09 miles from the proposed subdivision. The nearest park-and-ride facility is located at the downtown Kent transit station. *Exhibit 1, Staff Report, pages 10 and 11.*
13. Pursuant to Kent City Code (KCC) 15.08.240, a minimum of 15 percent of the diameter inches of significant trees, six-inch caliper and greater, would need to be retained. The Applicant submitted a tree retention plan for 20.15 percent of the diameter inches of significant trees. The Applicant has also submitted a tree retention plan to retain 70 percent of the diameter inches of

all trees of a six-inch caliper and greater on the off-site parcel to be used for a stormwater detention facility. *Exhibit 1, Staff Report, pages 1 and 10; Exhibit 14.a, d. to f.*

14. The Applicant is required to provide 450 square feet of on-site recreation space per lot pursuant to KCC 12.04.060. The required amount of recreation space for this 30-lot subdivision is 13,500 square feet. Provisions for recreation and open space would be made through the development of a centrally located 14,916 square foot community park (Tract D) located between lots 22/24 and 25/27. The community park would have children's play equipment, in addition to two additional pieces of play equipment or recreational facilities. A homeowners' association would be created to maintain the community park and landscaping in the planter strips. KCC 12.04.060. *Exhibit 1, Staff Report, pages 10 to 11; Exhibit 6; Exhibit 14.a.*
15. The property is located within a Level 2 flow control area and a Resource Stream Protection water quality area. The Applicant would complete a full drainage analysis and develop and submit drainage plans complying with the 2002 City of Kent Surface Water Design Manual and the 1998 King County Surface Water Design Manual. Stormwater runoff from rooftops, driveways, and roads within the subdivision would be conveyed to an off-site treatment and detention facility to be constructed on an adjacent parcel to the southwest. Approximately 6,400 cubic yards of cut and 200 cubic yards of fill would be required as part of the stormwater pond facility. A 10-foot depth of landscaping would be planted around the perimeter of the stormwater pond. 94th Avenue South would provide maintenance access to the stormwater pond via a constructed access driveway. *Exhibit 1, Staff Report, pages 5 and 10; Exhibit 6; Exhibit 14.b.*
16. Mr. Joudi testified that the Applicant agrees with the proposed conditions. *Testimony of Mr. Joudi*
17. Ann Eggers submitted a letter, dated November 3, 2013, expressing concerns about additional traffic on 98th Avenue South, the lack of sidewalks from South 244th Place to SE 246th Street, and pedestrian safety along 98th Avenue South. Michael Thompson testified that he and his son live northwest of the project on 96th Avenue South. Next to them live John and Sharon Phillips. 96th Avenue South is a dead-end past their houses and provides their only access. Mr. Thompson requested that 96th Avenue South would not be blocked or obstructed during construction by parking equipment or piling materials on the street. Maher Joudi, P.E., project engineer for the Applicant, responded to Mr. Thompson's testimony by saying that they would not be using the street as a staging area or parking equipment on it in such a manner as to block access. Street improvements would require excavation, but the Applicant would submit a traffic control plan to the City to minimize

any disruption. He testified that the Applicant's policy is to communicate with neighbors in the area regarding construction activities. City Planner Clamp testified that none of the proposed conditions addressed Mr. Thompson's concerns. She testified that a condition requiring notice of construction activities impacting 96th Avenue South would be appropriate. *Exhibit 9; Testimony of Mr. Thompson, Mr. Joudi, and Ms. Clamp.*

18. Andy Houle testified that he lives just south of the location of the proposed stormwater pond. He expressed concerns about the density of the project and the impact it could have on him and his neighbors, as well as too many houses being put into a small area and impacts on property values, traffic and utility bills. Mr. Joudi and Ms. Clamp testified that the proposed density was within the City's zoning code limits. *Testimony of Mr. Houle, Mr. Joudi, and Ms. Clamp.*
19. The City staff determined that the proposal is in general conformance with the Kent Subdivision Code and consistent with the City's Comprehensive Plan. The City staff recommended that, with conditions, the preliminary plat application be approved. *Exhibit 1, Staff Report, page 14.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to hold a hearing on preliminary plat applications; to consider all evidence presented at the hearing; and, based on that evidence, to approve, approve with conditions, or disapprove the preliminary plat. *Chapter 2.32 Kent City Code (KCC); Chapter 12.04 KCC; Chapter 58.17 Revised Code of Washington (RCW).*

Criteria for Review

The decision of the Hearing Examiner must be supported by the evidence presented and must be consistent with the standards and criteria for review specified in state statutes and city ordinances.

The standards and criteria for review of preliminary plat applications are found in chapter 12.04 KCC and chapter 58.17 Revised Code of Washington (RCW). A proposed subdivision shall not be approved unless the City finds that:

1. Appropriate provisions have been made for:
 - a. The public health, safety, and general welfare of the community;
 - b. Protection of environmentally sensitive lands and habitat;
 - c. Potable water supplies;
 - d. Sanitary wastes;
 - e. Other public utilities and services, as deemed necessary;

- f. Stormwater facilities and conveyance systems;
 - g. Open spaces;
 - h. Community parks and recreation;
 - i. Neighborhood tot lots and recreation areas;
 - j. Schools and school grounds;
 - k. Transit stops;
 - l. Connectivity of streets, alleyways, and other private and public ways for vehicular and pedestrian circulation and access in and between subdivisions and neighborhoods, where feasible;
 - m. Connectivity of sidewalks, pedestrian pathways, traffic calming features and devices, and other features that assure safe walking conditions within and between subdivisions and neighborhoods for residents and students who walk to and from school, parks, transit stops and other neighborhood services;
 - n. In single-family residential zoning districts, building lots and street access configured to support the construction of homes with diminished garage doors such that no less than fifty (50) percent of the new lots will support construction of and access to a garage in the rear portion of the lot accessed via a common driveway between lots; or a side access garage; or a garage accessed via a rear alley; or a garage set back no less than ten (10) feet from the front facade of the home; or other design strategies which similarly diminish the prominence of the garage and are approved by the planning manager. Lots and streets shall be configured such that at least two (2) of these options are supported in each new development;
 - o. In single-family residential zoning districts, landscape buffering along all frontage streets of the subdivision that do not provide the new lots with direct vehicular access;
- 2. The City has considered all other relevant facts; and
 - 3. The public use and interest will be served by the platting of such subdivision or short subdivision and dedication; and
 - 4. The City has considered the physical characteristics of a proposed subdivision or short subdivision site and may deny a proposed plat because of flood, inundation, or wetland conditions; slope, or soil stability and/or capabilities. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

KCC 12.04.180.A.

Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or the imposition of impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat.

KCC 12.04.180.B.

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The criteria set forth in the Kent City Code are similar to those in the Revised Code of Washington (RCW). The subdivision criteria described in the RCW must also be met by the application before a decision of approval can be made:

Appropriate provisions must be made for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and the public interest must be served by the subdivision.

RCW 58.17.110.

The criteria for review adopted by the Kent City Council are designed to implement the requirement of chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

1. **With conditions, the proposed plat satisfies the requirements of KCC 12.04.180.A.** The City gave adequate notice and opportunity to comment on the proposal. The City determined that, with conditions, the proposal would not have a probable significant adverse impact on the environment. The City's determination was not appealed. There are no environmentally sensitive lands or habitat on the property. The proposed subdivision would be served by City water and sewer. Electric power and natural gas lines would be installed during subdivision construction. Stormwater runoff from rooftops, driveways, and roads within the subdivision would be collected and conveyed to an off-site treatment and detention stormwater pond facility on an adjacent parcel. The Application would provide open space through the development of a community park for recreation within the proposed subdivision. The Applicant would pay a school impact fee at the time of construction permit issuance and provide sidewalks along the internal street, as well as a six-foot wide walkway from the north end of the new sidewalk constructed along 98th Avenue South to an existing sidewalk approximately 100 feet to the north. The Kent School District did not submit any comments on the proposal. A transit stop is located .09 miles from the proposed development. A new public residential street would be constructed through the proposed subdivision connecting 96th Avenue South and 98th Avenue South. No impacts on these streets from vehicle trips generated by proposed

development were identified. The subdivision would support diminished garage doors on 16 of the 30 lots, as well as lots configured to support garages set back 10 feet from the front of the house and a garage with a side access. Landscape tracts along 98th Avenue South would provide buffering required under the City code. A condition is necessary to ensure that access for residents to their homes located to the northwest along 96th Avenue South is not unduly obstructed. Conditions are also necessary to ensure that the Applicant submits a downstream analysis and landscape plans for the stormwater facility, to ensure that street improvements and sidewalks are constructed as required by the City's Construction Standards, and that the Applicant/Owner pay all transportation impact fees, school district migration fees, stormwater utility connection fees, and any other applicable mitigation fees. *Findings 1 - 19.*

2. **With conditions, the requirements of RCW 58.17.110 have been satisfied.** The criteria set forth in the Kent City Code are similar to those in the Revised Code of Washington (RCW). Thus, with conditions necessary to ensure plans, engineering drawings, sanitary sewer system, public water system, storm water system, detailed grading plan, detailed tree plan, street improvement plans, homeowners' association, fees, and recording, RCW 58.17.110 requirements have been satisfied. *Findings 1 - 19.*

DECISION

Based on the preceding Findings and Conclusions, the request to subdivide three parcels totaling 4.23 acres into 30 single-family residential lots and five tracts, located at 24459 98th Avenue South is **APPROVED**, subject to the following conditions:³

A. PRIOR TO RECORDING THIS SUBDIVISION:

1. The Owner/Subdivider shall pay all known Charges in Lieu of Assessments and/or Latecomer Fees, if any, prior to scheduling the Pre-Construction Conference and/or prior to recording this subdivision, whichever comes first.
2. The Owner/Subdivider shall provide Public Works with a digital subdivision map prepared with a CAD program. The digital information can be formatted in either *.DWG (AutoCad) or *.DXF (Drawing Exchange File), but **must be based upon State Plane coordinates: an assumed coordinate system is not permitted**. The State Plane Coordinates shall be on the NAD 83/91 datum and must relate to at

³ This decision includes conditions required to meet City code standards as well as conditions required to reduce unique project impacts.

least two City of Kent reference points within one half mile of the subdivision. In addition, the project shall be tied into at least two City of Kent NAD 88 vertical benchmarks and two additional permanent benchmarks shall be established within the project. The locations, descriptions and elevations of these benchmarks will be reported at the time as-built drawings are submitted along with field notes sufficient to verify the required precision.

3. The Owner/Subdivider shall submit and receive City approval from the Department of Public Works for engineering drawings meeting the minimum requirements of the 2009 City of Kent Design and Construction Standards (KDCS), and shall then either construct or bond for the following:
 - a. A public gravity sanitary sewer system to serve all lots. This development will be served by the City of Kent and will be constructed to City of Kent standards and specifications. The public sanitary sewer system shall be extended from the existing public sanitary sewer system and shall be sized to serve all off-site properties within the same service area; in addition, the sanitary sewer system shall be extended across the entire subdivision as needed to serve adjacent properties within the same service area, unless otherwise determined by the sanitary sewer purveyor. The septic system serving the existing home(s) within the proposed subdivision, if any, shall be abandoned in accordance with King County Health Department Regulations.
 - b. A public water system meeting domestic and fire flow requirements for all lots. This development will be served by the City of Kent and will be constructed to the City of Kent standards and specifications. The public water system shall be extended and shall be sized to serve all off-site properties within the same service area; in addition, the water main extension shall be extended across the entire subdivision as needed to serve adjacent properties within the same service area, unless otherwise determined by the water purveyor. Existing wells, if any, shall be decommissioned in accordance with the requirements of the Department of Ecology.
 - c. A stormwater system. The engineering plans must meet the minimum requirements of the KDCS and the 2002 City of Kent Surface Water Design Manual (KSWDM). Initial guidance is given below (See Chapter 2 of KSWDM for detailed submittal requirements):

- i. The Engineering Plans shall include at a minimum: Site improvement plans which include all plans, details, notes and specifications necessary to construct road, drainage, and other related improvements. The engineering plans shall include a technical information report (TIR) which contains all the technical information and analysis to develop the site improvement plans.
- ii. An erosion and sedimentation control (ESC) plan shall be included in the engineering plans. The ESC shall meet the requirements of the City of Kent Construction Standards, and the 2002 City of Kent Surface Water Design Manual. These plans must reflect the Detailed Grading Plan discussed below, and the Planning Services approved Detailed Tree Plan.
- iii. The retention/detention and release standard that shall be met by the subdivision is Level Two. The water quality menu that will be met by the subdivision is the Resource Stream Protection Menu.
- iv. The site improvement plans and technical information report shall contain drainage calculations and a drawing of the retention/detention tract at an appropriate engineering scale.
- v. A downstream analysis is required for this development, and it shall include an analysis for capacity, erosion potential, and water quality. Refer to the requirements of Technical Information Reports in Section 3: "Offsite Analysis", of the 2002 City of Kent Surface Water Design Manual for the specific information required for downstream analyses.
- vi. Roof downspouts for each roofed structure (house, garage, carport, etc.) shall be diverted to a Roof Downspout Control meeting the requirements of Section 5.1 of the 1998 Surface Water Design Manual. These roof downspout controls shall include overflow pipes connected to an approved stormwater flow control facility, or a dispersion system if no formal flow control facility exists or is required.
- vii. The Owner/Subdivider shall submit Landscape Plans for within and surrounding the retention/detention facility to the City for concurrent review and approval prior to, or in conjunction with, the approval of the Engineering Plans. These Landscape Plans shall meet the minimum requirements of the City of Kent Construction Standards, and

the stormwater management landscaping requirements contained within the 1998 King County Surface Water Design Manual. Landscape Plans are required to show adjacent street trees.

- viii. The Owner/Subdivider shall execute Declaration of Stormwater Facility Maintenance Covenants for the private portions of the drainage system. See Reference 8-F, Declaration of Stormwater Facility Maintenance Covenant, of the 2002 City of Kent Surface Water Design Manual for information on what is contained within this document.
- ix. The Owner/Subdivider shall execute and convey all public easements necessary for the construction and maintenance of the required offsite drainage improvements for this subdivision development. The easements shall be executed prior to the issuance of the Civil Construction permit.
- d. A Detailed Grading Plan for the entire subdivision meeting the requirements of the 2009 City of Kent Design and Construction Standards, and *City of Kent Development Assistance Brochure #1-3, Excavation and Grading Permits & Grading Plans*.
- e. The Owner/Subdivider shall submit and receive approval for a Detailed Tree Plan, meeting the requirements of the Kent Zoning Code, and *City of Kent Development Assistance Brochure #3, Detailed Tree Plans*, prior to the issuance of any Construction Permits for the subdivision. Grading Plans cannot be approved without an approved Detailed Tree Plan. Detailed Tree Plans are not to be confused with required Street Tree Plans, which have an entirely different purpose.
- f. Street Improvement Plans for 98th Avenue South. These Street Improvement Plans shall meet the requirements of the KDCS, including Standard Plan #6-11, *Residential – Parking One Side Local Street*, for a street designated as a Residential Local Street with 2 lanes. Initial guidance for the necessary street improvements is given below:
 - i. Improvements to 98th Avenue South shall be designed such that pavement widening is constructed to the dimensions shown on Standard Plan #6-11 and as approved by City Staff. Per detail #6-11 the improvements on the west side shall also include combined vertical concrete curbs & gutters, a planter strip and a cement concrete sidewalk. An overlay

to an approved limit will be required along the extent of the frontage improvements.

- ii. A street lighting system designed to the City's standards, constructed and maintained by the IntoLight Division of Puget Sound Energy; all electrical and maintenance bills shall be paid for by an equally divided interest of all property owners on this plat. This interest may be in the form of a homeowners' association created by the Owner/Subdivider.
 - iii. All overhead electrical and/or communication utilities shall be placed underground along 98th Avenue South per the requirements of the City of Kent Code Chapter 7.10 if the criteria for undergrounding in KCC 7.10.030 are met.
 - iv. Public stormwater system including provisions for collection, conveyance, detention, and treatment facilities.
 - v. The proposed intersection of the new proposed South 245th Place and 98th Avenue South, identified above, will require an approved intersection design that must demonstrate adequate entering sight distance in both directions.
 - vi. Street Trees and grass or landscaping shall be installed within the planting strips or tree wells. The Street Trees will be located per City of Kent Standards, and the species shall be selected from the City's Approved Street Tree List.
- g. Street Improvement Plans for 96th Avenue South. The Street Improvement Plans for this street shall be designed in conformance with the requirements for a Public Residential Half-Street as required by City of Kent Construction Standards, including Standard Plan #6-13. Initial guidance for the necessary street improvements is given below:
- i. Improvements to 96th Avenue South shall be designed such that pavement width is constructed to the dimensions shown on Standard Plan #6-13 and as approved by City staff. Per detail #6-13 the improvements on the east side shall include combined vertical concrete curbs and gutters, a planter strip and a cement concrete sidewalk. An overlay to an approved limit will be required along the extent of the frontage improvements, including the section of road south of the project and north of South 246th Street. The sidewalk

that would normally be required behind the planter strip, within the right-of-way, may instead be located in a public easement. Alternatively, the Applicant may secure and dedicate right-of-way along the west side of 96th Avenue South sufficient to construct a half-street section to City standards.

- ii. A street lighting system designed to the City's standards, constructed and maintained by the IntoLight Division of Puget Sound Energy; all electrical and maintenance bills shall be paid for by an equally divided interest of all property owners on this plat. This interest may be in the form of a homeowners' association created by the Owner/Subdivider.
 - iii. All overhead electrical and/or communication utilities shall be placed underground per the requirements of the City of Kent Code Chapter 7.10 if the criteria for undergrounding in Chapter 7.10.030 are met.
 - iv. A public stormwater drainage system, including provisions for collection, conveyance, detention, and treatment facilities.
 - v. The proposed intersection of the new proposed public street and 96th Avenue South, identified above will require an approved intersection design that must demonstrate adequate entering sight distance in both directions.
 - vi. The Street Trees will be located per City of Kent Standards, and the species shall be selected from the City's Approved Street Tree List.
 - vii. The Applicant shall submit a plan to the City to afford adequate notice to residents on 96th Avenue South living northwest of the proposed project of any disruptions or obstructions to the residents' use of the street which would prevent access to their homes by way of 96th Ave. South. The Applicant shall work with the residents to assure that any disruption of their access to their homes is minimized. Access will not be obstructed during hours when construction activities are not occurring.
- h. Street Improvement Plans for the new public Residential Street, South 245th Place, connecting to 96th Avenue South and 98th

Avenue South, shall be designed as a residential street per the CKDCS. Initial guidance for the necessary street improvements is given below:

- i. South 245th Place from 96th Avenue South to 98th Avenue South shall be designed as a public residential street per standard detail #6-11 (Residential Local Street Parking One Side). This is a new road that shall be constructed to the full, above-mentioned detail. This new public road shall connect to 96th Avenue South on the west site edge and 98th Avenue South on the east site edge.
 - ii. A street lighting system shall be designed to the City's standards, constructed and maintained by the Intolight Division of Puget Sound Energy; all electrical and maintenance bills shall be paid for by an equally divided interest of all property owners on this plat. This interest may be in the form of a homeowners' association created by the Owner/Subdivider.
 - iii. A public stormwater drainage system, including provisions for collection, conveyance, detention and treatment facilities.
 - iv. Street trees and grass shall be installed within the 5-foot wide planting strips constructed between the back of curb and the front of the cement concrete sidewalk. The street trees will be located per City of Kent standards and the species shall be selected from the City's approved street tree list.
 - v. The proposed intersection of the new proposed subdivision street(s) (whether public or private) and 96th Avenue South and 98th Avenue South, identified above will require an approved intersection design that must demonstrate adequate entering sight distance in both directions.
4. The Owner/Subdivider shall create a homeowners' association for this subdivision to ensure that the property owners within this subdivision are advised of their obligation to maintain the community park and landscaping in the planter strips, restrict parking and pay for the energy and maintenance required for the street lighting system installed in their development. Those sections of the required document written to govern that association as they relate to any IntoLight Division of Puget Sound Energy street lighting systems, shall

be reviewed and approved by the Department of Public Works, prior to the recording of these documents.

5. The face of the final subdivision will clearly identify all private streets or joint use driveways, and which lots will be served by those private streets or joint use driveways. The face of the final subdivision will also specify that the maintenance of all private streets or joint use driveways is the sole responsibility of the property owners who are served by those private streets or joint use driveways.
6. Direct vehicular access to and from lots having frontage along 98th Avenue South is prohibited, and the face of the final subdivision will carry the following restriction:

DIRECT VEHICULAR ACCESS TO AND FROM LOTS HAVING FRONTAGE ALONG 98th AVENUE SOUTH IS PROHIBITED. ACCESS FOR THESE LOTS IS RESTRICTED TO SOUTH 245th PLACE.

7. The Owner/Subdivider shall deed all public rights-of-way, and otherwise convey all private and public easements necessary for the construction and maintenance of the required improvements for this subdivision development. All legal documents must be executed on City of Kent forms and must include an electronic CAD disk based on state plane format. All offsite easements must be executed prior to construction permit issuance.
8. The Owner/Subdivider shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Kent prior to issuance of Civil Construction or clearing and grading approval. The SWPPP shall meet all the requirements of the Department of Ecology National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit (CSWGP).
9. The Owner/Subdivider shall submit a copy of the NPDES permit coverage letter from DOE issuing a permit number and coverage under the Construction Stormwater General Permit. The letter shall be submitted to the City of Kent prior to issuance of civil construction or clearing and grading permits. The construction site shall meet all the requirements of the Department of Ecology National Pollutant Discharge Elimination System Construction Stormwater General Permit (CSWGP).
10. Prior to release of any construction bonds, the Department of Public Works must receive and approve As-Built Drawings meeting the requirements of the City of Kent Construction Standards, and City of

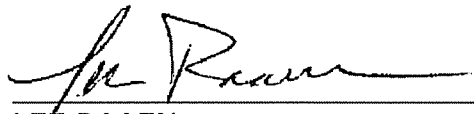
Kent Development Assistance Brochure #E-1, As-Built Drawings, for: Streets; Street Lighting System; Water; Sewer; Stormwater Drainage Facilities; and all on or off-site improvements where the locations and/or elevations are deemed critical by the Department of Public Works.

11. The Applicant/Owner shall install mailbox clusters at locations and per standards approved by Development Engineering and the U.S. Postmaster.
12. The Owner/Subdivider shall obtain appropriate permits to demolish or remove the existing residence and outbuilding from the site in order to comply with Kent City Code.
13. A note shall be placed on the face of the final short plat map stating that the recreation space tract shall be owned and maintained by the homeowners' association and will always be maintained as recreation space.

B. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT ON ANY LOT IN THIS SUBDIVISION, THE OWNER/SUBDIVIDER SHALL:

1. Record the Subdivision.
2. Construct all of the improvements required in Section A, above, and pay the respective fees-in-lieu including any mitigation (EMA or EMF) charges, if any.
3. Receive approval of the required As-Built drawings for Street, Street Lighting, Water, Sewer, and Stormwater Management Facilities as deemed appropriate by the Department of Public Works.
4. The Applicant/Owner shall pay all transportation impact fees, school district mitigation fees, storm water utility connection fees, and any other mitigation fees applicable by code associated with the subject property.

DATED this 11th day of April 2014.



LEE RAAEN
Hearing Examiner
Sound Law Center

*Findings, Conclusions, and Decision
Hearing Examiner for the City of Kent
Bandon East Preliminary Plat
SU-2013-4 / RPP3-2133638*